



How well do further education institutions manage learner complaints?

May 2015

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Introduction

This report is published in response to a request for advice in the Minister's annual remit letter to Estyn for 2014-2015. The purpose of the report is to inform the further development of the Welsh Government's Learner-Involvement Strategies Guidance, and any subsequent guidance for further education institutions.

The report looks at how well further education institutions manage complaints from learners, and how well they use these to improve the quality of their provision for learners.

As part of this survey, inspectors collected and evaluated a range of information from all 15 institutions, and visited eight of them (see Appendix 1). The purpose of the site visits was to discuss in more detail how each institution managed its complaints process and ensured its quality and consistency.

Estyn made a questionnaire available to learners and publicised this to learners through the institutions and the National Union of Students (NUS).

During institution visits, inspectors also met small groups of learners to discuss their experiences of making a complaint to their institution.

Estyn uses the term 'learners' for all people receiving education and training in Wales. In a few contexts in this report, the term 'student' is used when referring to documents produced by the institutions or the Students' Union where the term 'student' is used.

Background

The Welsh Government asked Estyn to undertake an evaluation of how well further education institutions manage complaints from learners and how well their procedures for handling complaints work in practice.

In February 2010, the Welsh Government issued a document entitled *Learner Involvement Strategies Guidance*. In this document, the Welsh Government recommended that institutions use complaints from learners to improve the quality of provision. The Welsh Government set out suggestions for how an institution should capture and then make use of feedback from students for improvement purposes. The Welsh Government expects that all institutions will include information gained from any complaints from individual learners in their self-assessment report and that they inform each learner of the outcome of their complaint.

During 2010 and 2011, the NUS undertook a UK-wide survey of complaints from students attending further education institutions. Two NUS reports were subsequently published, based on evidence from further education institutions in Wales.

These reports, titled *A review of student complaints in Further Education in Wales August 2011*; and *Unresolved: The state of student complaints in further education*, concluded that institutions could do more to:

- promote to students the existence of their student complaints procedures and the processes involved in making a complaint
- encourage students to submit a student complaint if they feel unfairly discriminated against
- resolve student complaints as quickly and as fairly as possible

In total, the NUS made 12 recommendations, which form part of the NUS's minimum requirements that learners should expect from their institution. The NUS says that these requirements should be part of an institution's wider learner-engagement strategy and that institutions should review these at regular intervals, in partnership with the learners themselves.

The NUS also recommended that there should be an independent body in Wales, as there is in England and Scotland, to which learners in further education who have raised a complaint can appeal to ensure a fair and equitable management of their complaint.

In England, learners in further education can raise an appeal with the Skills Funding Agency. This is a government agency, established under the Apprenticeships, Skills, Children, and Learning Act 2009, to carry out statutory functions in relation to apprenticeships and post-19 education and training.

In Scotland, learners in further education can appeal to the Scottish Public Service Ombudsman (SPSO). The SPSO handles all appeals about both further and higher education complaints. The Ombudsman publishes a complaints handling procedure, which has principles that universities and colleges are required to adopt.

In Wales, there is no equivalent external body to which learners in further education can appeal, unless they are studying on a degree course. In this case, learners are able to appeal firstly to the awarding university, and subsequently to the Office of the Independent Adjudicator for Higher Education (OIA), when the university is a member of the scheme. This causes an inequality where there is both further and higher education provision in the same institution. In Wales, the only recourse that a learner in further education has when complaining about a further education course is to the institution's management and its governing body. Occasionally learners appeal to or raise a complaint directly with the Welsh Government and/or with Estyn. They do this with the expectation of redress. However, neither body has the powers necessary to investigate their complaints.

Main findings

- 1 Overall, every institution has a policy and procedures in place to aid a learner in making a complaint. In most cases, these are generally clear and comprehensive. Institutions provide information about how to complain directly to students at induction, and through the institution's publications and their websites. However, inspectors found this information on only 66% of institutions' websites.
- 2 Most institutions make their policy and procedures available through the medium of Welsh. However, a few do not. All institutions report that learners may present their complaint through the medium of Welsh.
- 3 Although many learners are understandably not familiar with the details in the policy, they know they can complain to their course tutor or learner representative. However, many learners are not aware that there is an appeals procedure and that they can appeal if they are not satisfied with the outcome of their complaint. Most learners feel that their personal and/or course tutor supports them well. They feel listened to and that the institution takes their issues seriously.
- 4 In all institutions, the definitions used for what makes a complaint lacked clarity. No definition distinguishes clearly between serious and non-serious complaints. This means that it is difficult to identify which matters an institution's staff or students should accelerate to a more formal complaint. The lack of clarity in the definition also means that it is unclear as to which complaint outcome a complainant can legitimately appeal, if the institution fails to treat a complaint seriously enough.
- 5 In many cases, the difference between informal and formal complaints is based upon the route taken by the complainant and not by the nature or seriousness of the complaint itself. In the first instance, most, if not all, procedures appropriately point the complainant to the informal route. However, as most institutions do not consistently record informal complaints, this means that there may be serious issues missed or hidden, and complaints about poor quality service or provision, which are addressed informally, may not be identified or assessed by managers.
- 6 All institutions say that they welcome learners' complaints and that they use the information these generate in management reports. However, institutions do not use the information well enough to inform improvement. Most reports focus too much on counting the number of complaints rather than exploring what may lie behind the complaints or looking for trends or patterns.
- 7 All institutions have useful tracking systems in place to manage formal complaints, which monitor the progress and eventual outcomes. However, none of the institutions surveyed has a system that makes sure that all complaints are handled to a consistent standard, especially where the investigation of the complaint is delegated to a manager on another campus in the institution.
- 8 Institutions use their learner representative systems well to gather views about issues from learners including complaints. However, they do not use these systems to best effect to evaluate the rigour of their policy and procedures in addressing learner

complaints. These systems, and in particular the Welsh Government's Learner Voice Wales survey, are generally not used well enough to evaluate a learner's experience of and their confidence in the complaints system.

- 9 There is not enough training for an institution's staff and learner representatives to ensure that they are adequately informed about how to address complaints using the correct procedures.
- 10 Around half of the institutions report that they would welcome the appointment of an external appeals body. However, many institutions, including a proportion of those who would welcome an appeals body, question whether such a body would add any extra value. In general, students 'trust' the institutions to resolve any issues and consider that an appeals body may be of limited use.

Recommendations

The Welsh Government should:

- R1 publish further guidance to help institutions develop their learner complaints procedures, including definitions of particular types of complaints
- R2 ensure that the annual Learner Voice Wales survey adequately captures learners' experiences of making complaints and their satisfaction with the process
- R3 work with the sector to consider the feasibility of an external appeals body for post-16 FE learners in Wales, with powers to review student complaints and their outcomes

Institutions should:

- R4 take forward the issues identified by the NUS in their 2011 report on student complaints
- R5 make sure that all materials about how to make a complaint are easily available through the public-facing sections of their websites, and are also available through the medium of Welsh
- R6 require senior managers to check on how consistently and rigorously investigations of complaints are carried out by all their staff, and across all campus sites
- R7 train all staff and learner representatives in the management of the institution's complaints procedures
- R8 make sure that mechanisms are in place to differentiate between low-level and more serious complaints, and record all complaints, whether made orally or in writing
- R9 use all the evidence available, including learner feedback, to inform the in-depth analysis of the quality of the complaints policy and procedures, as well as the patterns, trends and underlying reasons for complaints to inform quality systems and strategic planning

What do further education institutions say about their management of learners' complaints?

- 11 Estyn surveyed all further education institutions in Wales, asking each one to complete a questionnaire. Institutions also provided examples of their learner complaints policy and procedures, together with management reports for the past two years. Every institution completed the questionnaire. In their returns, each institution was confident that it managed its complaints procedure well, according to good practice principles.
- 12 All institutions report that they provide information to learners about their complaints procedures. They say they do this in several ways, including at enrolment, through items such as college calendars and learner handbooks, and in 53% of institutions, through the student union. Most institutions say that they also make this information available through the institution's intranet and/or through their public-facing website. However, these documents were easy to find in only 66% of these institutions and, in a few cases, the documents were out of date.
- 13 Only 87% of institutions make their policy and procedures available through the medium of Welsh. However, all institutions confirm that learners may present their complaint through the medium of Welsh.
- 14 All institutions had similar definitions of what a complaint is. These definitions focus on a perceived dissatisfaction by a learner or member of the public with any aspect of an institution's service, or treatment from a member of staff or contractor. However, very few institutions differentiate, in their definition of a complaint, between those about mundane issues, such as menu choices in the cafeteria, and those of a more serious nature such as unprofessional behaviour by staff, or issues that have a more serious impact on the quality of provision. Most institutions state appropriately that they will deal with complaints about assessment outcomes separately from the normal complaints procedure.
- 15 Coleg Gwent has produced a useful list of what can and cannot be considered as a complaint to the college. This gives more advice on making a complaint than most other institutions. However, it does not go far enough to explain the underlying principles or contain a definition of types and hierarchies of complaints.
- 16 All institutions organise their complaints procedures differently. However, they all describe their procedures in similar ways, focusing on three or four stages for handling a complaint. These include an informal stage, a formal stage (sometimes divided into sub-stages covering investigation, reporting to management and response to the complainant) and an appeals stage. All institutions encourage complainants to resolve their issue directly with the relevant staff by making an oral complaint first. This is generally referred to as stage one or the informal stage.
- 17 Only 80% of institutions have published timescales within which they expect to deal with complaints at each stage. Of the institutions that did have published timescales, only 50% always meet them, while 42% say that they often adhere to deadlines. Without deadlines, complaints may run on and be hard to conclude. Twenty-six per

cent of institutions stated that some complaints take up to four months to complete. This could be because the complaint is complex or because the institution is not efficient in dealing with complaints. However, institutions do not provide an analysis of their complaints management that would enable them to identify what needs to be done to speed up the process if possible. For example, in one institution a complainant was not satisfied with the original outcome, which was arrived at within three weeks and maintained communication with the institution without it going to appeal for another 14 weeks when a satisfactory conclusion was reached.

- 18 All institutions report that they record the complaints they receive. However, very few institutions actually record informal or orally presented complaints. Generally, it is only the 'formal complaints' that are recorded and subsequently analysed in management reports. It is therefore difficult to judge how institutions differentiate between different kinds of complaints or understand whether a learner is actually 'complaining' rather than just raising an issue that they think needs to be addressed.
- 19 Nearly all institutions report regularly on the complaints they receive, although the definition of what constitutes 'regularly' may vary between institutions. Most institutions report annually to strategic managers and or governors, although many also report more frequently. Three institutions say that they report through weekly management meetings.
- 20 All institutions report on the changes they will make to systems and/or provision following the resolution of a complaint. However, very few reports to senior managers and governing bodies include an in-depth analysis of complaints to ascertain any trends or patterns. Without this forensic analysis, institutions are not able to make a direct link between student complaints and improvements in provision or an institution's systems. The extent to which governors engage with information about complaints varies as does their level of rigour in addressing the underlying issues.
- 21 The Welsh Government *Learner Involvement Strategies Guidance* recommends that institutions include an analysis of complaints alongside other forms of student feedback in their self-assessment report. However, only 33% of institutions include a report on their management of complaints in their institution's annual report.
- 22 Almost all institutions have reviewed and updated their policy and procedures for handling complaints in the past two years. Around 50% of the institutions were aware of the specific recommendations from the NUS reports, and most of these have used the reports well to improve their consultative approaches with learners. However, there is still a lack of awareness across the sector about how complaints should be managed and how the learning from a complaint can inform the way an institution plans its services and develops its policies and procedures. Several institutions do not have complaints policies readily available on their websites or comprehensive training for staff on recognising, recording and handling complaints.
- 23 Around half of the institutions think that there should be an external appeals body in Wales, with powers to review student complaints and their outcomes. The rationale for supporting this initiative ranges from improving impartiality and consistency in dealing with more serious complaints at institutional level, to raising the quality of the appeals process and providing important support to institutions.

- 24 On the other hand, several institutions thought that they already dealt well enough with complaints and that the issues dealt with did not warrant this level of scrutiny. Others mistakenly thought that this mechanism already existed through the Welsh Government and/or Estyn, and/or the National Union of Students. Several institutions also mistakenly thought that such an appeals body would deal with the initial complaint itself, and as such would not be able to deal with the volume or minutiae of many.
- 25 At the same time, many institutions, including a proportion of those who would welcome an appeals body, question the value for money of such an arrangement. Institutions also questioned how such a body would be funded and whether, in these austere times, it would be justifiable.
- 26 Many institutions (73%) would like more guidance from the Welsh Government about how to improve learner complaints procedures.

What do learners think of the student complaints procedures in further education institutions?

- 27 Estyn inspectors captured learner views about their institution's complaints procedures through group interviews during the eight field visits, and through a web-based survey available to all further education learners in Wales. During field visits, inspectors met more than 100 learners, and the survey was completed by a further 1,251 learners.
- 28 Of those learners who responded to the questionnaire, 86% are aware, on a scale ranging from slightly to fully, of their institution's complaints and appeals procedures. However, 35% of learners are not able to say how the institution publicises them.
- 29 Most learners are understandably not familiar with the detail of the complaints policy. However, the majority know that they can raise issues directly through their tutor or through their learner representatives. A minority of learners do not know that they can appeal if they are not satisfied with the outcome of their complaint.
- 30 Due to the lack of clarity in the definition of what constitutes a complaint, most learners are not able to differentiate clearly between a serious complaint and a less serious concern or dissatisfaction.
- 31 Of those learners who had 'felt the need to make a complaint', 43% had not found the complaint process easy to follow, and less than half of the respondents feel that the actual procedure matched the published process well. A minority of learners report that the initial reaction of some staff was not conducive to taking a complaint forward. This was because a few staff tried to dissuade them from making a complaint due to the 'paperwork' this would generate for them, and some tutors were simply reluctant to deal with the issues raised. Many learners say that they had greater confidence in the way institutions dealt with their complaints in the formal stages, because the complaint was in writing.

- 32 In their documentation, just under half of the institutions explain clearly the support that is available to learners when making a formal complaint. However, most learners are generally very positive about the support they receive when wishing to make a complaint. They feel listened to and that the institution took their issues seriously. Almost all learners talk about how quickly members of staff resolved those complaints they had raised informally. Most learners who had complained feel that their personal and/or course tutor had supported them well.
- 33 In all but one institution, learners may present their complaint themselves and they may be supported by or have their case presented by a friend.
- 34 Although 87% of institutions say that they make their procedures available through the medium of Welsh, only 51% of learners say that they know about this, and 46% are not aware of this. This means that nearly half of all learners do not really know whether there is a Welsh-medium version of the complaints policy or procedures available, or that they can present their complaint through the medium of Welsh.
- 35 Of those learners who say that they have raised a complaint when responding to the questionnaire, 62% report that the outcome is acceptable to them even if their complaint has not been upheld.
- 36 Learners have a mixed view about the value of an external appeals body. Forty-four per cent of learners think that there should be an external appeals body, which has the powers to review learner complaints and their outcomes. A minority feel that it may be of use, but in general 'trust' the institution to resolve any issues properly. A few think that such a body would offer nothing of value to the process.

To what extent is there a culture of learning from learner complaints in the further education institutions in Wales?
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- 37 Every institution has a wide variety of formal mechanisms, other than their published complaints procedures, which capture learners' views, perceptions, suggestions, and concerns. These include formal consultative processes such as the learner voice, learner parliaments, course representatives, and student unions. There are also helpful informal consultation and feedback mechanisms, which include pastoral support systems and learning coaches, as well as suggestion boxes, and instant messaging of senior managers. These systems also capture useful data about learner complaints, particularly at the informal stage.
- 38 However, institutions do not make good enough use of their current learner representative systems, including Learner Voice Wales, to undertake 'customer services' style surveys of learners, which evaluates a learner's experience and confidence in the complaints system. This means that institutions do not really know how well the complaints process works across the system. Nor do they know what learners think about the complaints process or whether learners have confidence in how the institution manages these.

- 39 Two institutions reported that they have not had any complaints for several years. Neither institution was able to provide any management reports to evidence this or offer analysis of the reasons why there were no complaints. It therefore remains unclear whether these institutions have a malfunctioning complaint recording system, a culture that does not encourage complaints or establish whether every learner is content.
- 40 Poor definitions of what constitutes a serious complaint and what might only be a concern makes it difficult to identify which matters should be dealt with informally and which formally. Generally, the difference is based upon the route taken by the complainant. Most, if not all procedures, point the complainant to the informal route in the first instance, which appropriately enables the less serious complaints to be dealt with in a timely manner. However, this means that most informal complaints, of which there are many, go unrecorded, and the nature of the complaint and its management are not open to rigorous or consistent analysis by management. Consequently, institutions can miss important issues that may remain unrecorded through the informal route, meaning that potentially serious issues may be missed or hidden and complaints about poor quality service or provision not identified or addressed.
- 41 All institutions' complaints policies state that they welcome complaints from learners, although it is difficult to verify this statement. Most institutions report that they use the data generated through their monitoring of complaints in regular management reports. In one example of good practice, Coleg Cambria has recently begun to assess all complaints using a risk matrix, which aligns the complaint to the college's risk management process. The college assesses the cause and effect of each complaint against its likely impact, particularly in relation to learner experience, learner outcome, college reputation, and financial risk. However, it is too early to evaluate the impact of this practice.
- 42 Most institutions' management reports, however, were primarily concerned with numerical data, tracking the presenting issues behind a complaint. Only a few reports looked in greater depth at the record of complaints and identified patterns reflecting the underlying issues that led to complaints in the first place. Too few reports look in detail at quality assurance measures that evaluate rigorously how well complaints systems and processes are applied.
- 43 All institutions have tracking systems in place to manage formal complaints, to monitor the stage each has reached and to record outcomes. Most of these are simple spreadsheet systems, while a few are more sophisticated and have a stronger focus on managing complaints rather than on simply tracking them. In these cases, institutions have better first-hand information on how well they manage each case and where there may be issues of timeliness across its various campus sites. In another example of good practice, Grŵp Llandrillo Menai's approach to managing complaints has recently changed to have a greater customer services focus. The focus is now on dealing with the customer's reasons for complaining, as much as with the detail of the complaint. This helps bring the complainant on-side, and diverts the process from an adversarial approach into a resolution-focused approach. However, this change is recent, and its impact has not yet been evaluated.

- 44 However, none of the institutions surveyed has a system with a rigorous oversight that ensures that all complaints are managed consistently well, especially where the investigation of the complaint is delegated to managers on another campus.
- 45 All institutions make it clear that a learner has a right to appeal. In most cases, institutions do not properly define their appeals criteria or focus upon the degree to which the institutions have properly managed complaints in any investigation. As a result, the criterion for making an appeal is simply that a complainant is dissatisfied with the outcome of their complaint. With the criterion focused only on satisfaction with the outcome, there is nothing to help a learner or the institution to make an informed decision about whether or not there are genuine grounds for such an appeal. Without this, the institution may lead learners into a false hope of success when making an appeal, because the institution has no criteria against which to review its previous decision, or uphold or dismiss an appeal.
- 46 In its two reports, the NUS appropriately recommend that all those involved in the complaints management process should undertake specific training, as an important step in improving the quality of complaints management. Most staff involved in receiving or managing complaints have undertaken some training in customer support. However, in most cases, this is not specifically about recognising, recording and handling complaints. Consequently, not all staff understand and adhere to their institution's policy or procedures. In addition, although learner representatives are key people in institutions' strategies for listening to the views of learners, the training for their role does not always include information about how to deal effectively with or represent complaints from fellow learners.
- 47 There is increasing blurring of the boundaries between services for higher education and further education learners in further education institutions. However, although both sets of learners take courses in the same institution, some aspects of governance arrangements vary. One outcome of this is that most higher education learners in further education institutions have redress to an external body for appeals in complaint cases whereas further education learners do not. This dichotomy is not reflected in any institution's policy or procedures, or its impact evaluated within management reports about complaints.

Appendix 1: Evidence base

The 15 further education institutions in Wales are:

- Bridgend College
- Cardiff & Vale College
- Coleg Cambria
- Coleg Ceredigion
- Coleg Gwent
- Coleg Sir Gâr
- Coleg y Cymoedd
- Gower College Swansea
- Grŵp Llandrillo Menai
- Grŵp Neath Port Talbot
- Merthyr College
- Pembrokeshire College
- St David's Sixth Form College
- WEA Cymru
- YMCA Community College

In preparing for this report, Estyn asked every institution to complete an online questionnaire, and reviewed each institution's complaints policy and procedures, and most recent complaints management reports.

We also visited eight institutions for follow-up interviews with managers, and more in depth document reviews. The institutions visited were:

- Coleg Cambria
- Coleg Gwent
- Coleg Sir Gâr
- Grŵp Llandrillo Menai
- Grŵp Neath Port Talbot
- St David's Sixth Form College
- The College Merthyr Tydfil
- YMCA Community College

The purpose of the site visits was to discuss in more detail how each institution managed its complaints process, and ensured the quality and consistency of the management process. In addition, while on-site, inspectors met with a small group of learners to discuss their experiences of making a complaint to the institution.

Estyn also made available a questionnaire to all learners in the 15 institutions, which asked learners to comment on and evaluate their knowledge and experiences of their institution's complaints policy and procedures. This questionnaire was publicised through each institution and the NUS.

Appendix 2: References

The Welsh Government

The Welsh Government has published two documents, which have influenced how further education institutions have developed their learner complaints policies and procedures. These are:

- *'Aiming for Excellence: Consultation on complaints procedures'*, January 2004 ELWa
- *The Learner Involvement Strategies Guidance* February 2010 Welsh Government
<http://wales.gov.uk/topics/educationandskills/learningcolleges/raisingqualityandstandards/responsiveness/learnervoice/learnerinvolvement/?lang=en>

External appeals bodies

In Wales and in England, learners following a higher education validated course within further education are able to appeal to the Office of the Independent Adjudicator for Higher Education (OIA), if the university validating the course is a member of the scheme. The OIA runs an independent student complaints scheme that all registered higher education institutions in England and Wales must follow.

Appeals in the first instance should be to the higher education provider, then to the OIA. Following a complaint to a higher education provider, once a complainant has gone as far as they can with the internal complaints procedures, the course provider will give them a completion of procedures letter. Complainants can only have their complaint considered by the OIA when they have this letter. For further information, see <http://www.oiahe.org.uk/>

In England, the Skills Funding Agency is a government body established under the Apprenticeships, Skills, Children and Learning Act 2009 to carry out statutory functions in relation to Apprenticeships and post-19 education and training. The SFA will hear appeals about further education colleges' complaints management. For further information, see <https://www.gov.uk/government/organisations/skills-funding-agency/about/complaints-procedure#what-happens-next> .

In Scotland, appeals about both further and higher education complaints are handled through the Scottish Public Service Ombudsman (SPSO). The SPSO publishes its complaints handling procedures (CHPs); the universities and colleges are required to adopt the principals of these procedures. For further information, see <http://www.valuingcomplaints.org.uk/further-and-higher-education/> .

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